

**An
Introduction
to
Water
Management
in
Oregon**

Oregon
Water Resources
Department

- 1) Overview of Oregon Water Law**
- 2) Role of the Water Resources Department**
- 3) Natural Resources Management**
- 4) Evolution Toward Watershed Management Concepts**
- 5) The Oregon Plan**
- 6) What's Ahead**



Water Law

*prior
appropriation*

- **Western Water Policy**
- **Riparian Rights**
- **Elements of “Prior Appropriation”**
- **Limitations**

Water Law



- **“Public Water”**
 - *all surface and ground water of the state*
- **The 1909 water code**
 - *four basic provisions*
- **Water rights mechanism**
 - *applications and permits*
 - *regulation*
 - *fees*

Public Water



- *This includes:*

“All the surface and the ground water of the state...”

The 1909 Water Code:

four basic provisions



- 1) **Beneficial use without waste**
using water for personal or public good
- 2) **Priority**
first in time, first in right
- 3) **Appurtenancy**
attached to the land
- 4) **Must be used**
at least once every five years



Beneficial use

Priority

Appurtenancy

Must be used

Beneficial Use

major categories of use

- **Irrigation**
 - *watering crops...*
- **Industrial**
 - *manufacturing, etc.*
- **Domestic**
 - *drinking water*
- **Municipal**
 - *cities*
- **Instream flows**
 - *stream/riparian enhancement*



Beneficial use

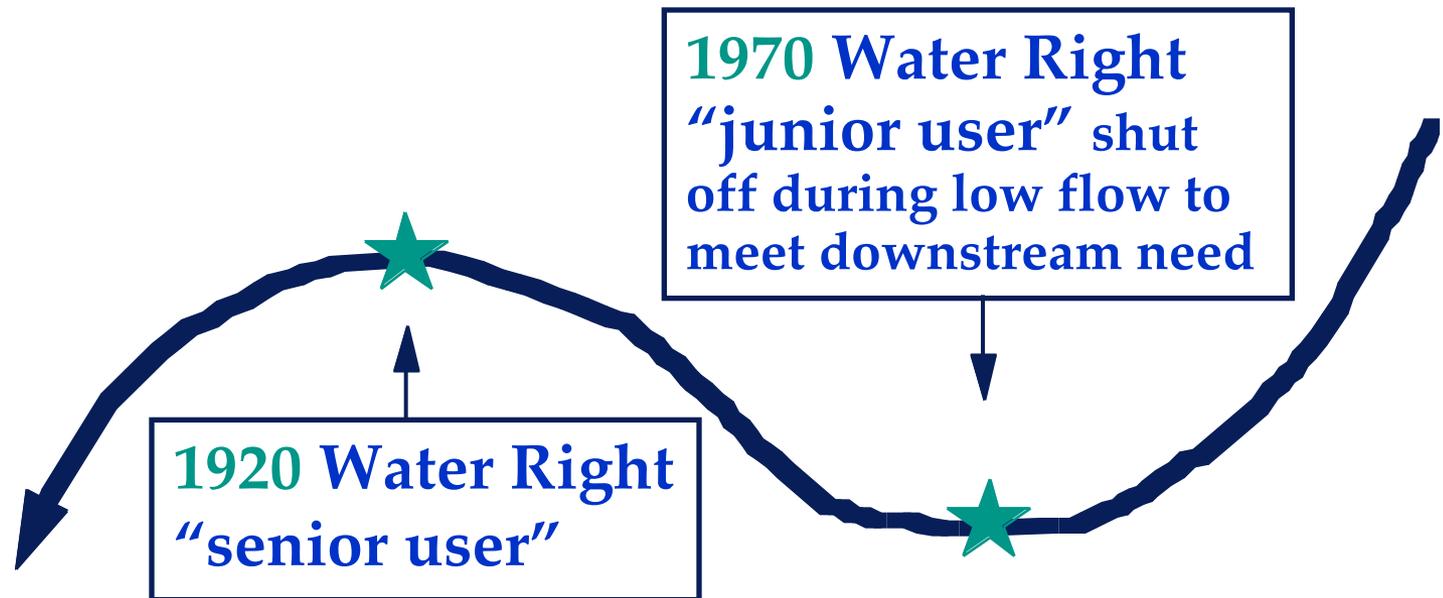
Priority

Appurtenancy

Must be used

Priority: *“prior appropriation”*

- First in time, first in right





Beneficial use

Priority

Appurtenancy

Must be used

Appurtenancy

- **Attached to the land**
- **If land is sold, water right stays with the land (not with the previous owner)**



Beneficial use

Priority

Appurtenancy

Must be used

Must be used

- **If unused for five consecutive years**
 - *subject to cancellation*
- **Terms and Conditions**
 - *limited to rate, duty, times and conditions of water right*

Water rights mechanism



- You need a permit to:

Use

Store

Divert

A water right consists of:



- **Point of diversion**
 - *where surface water is drawn, or captured*
- **Point of appropriation**
 - *from ground water source*
- **Place of use**
 - *where the water is applied*
- **Type of use**
 - *the “beneficial use” of the water*

“Exempt Uses”



- **Ground water:**
 - *Single and group domestic*
 - 15,000 gallons per day
 - *Commercial/Industrial uses*
 - 5,000 gallons per day
 - *Lawn and garden*
 - up to 1/2 acre
- **Livestock watering**
- **Certain small ponds**
- **Some others**

The permit system: *three step process*



• **Application**

"Priority date"

• **Permit**

"Proving up"

• **Certificate**

*Change in use
(place, type,
diversion)*

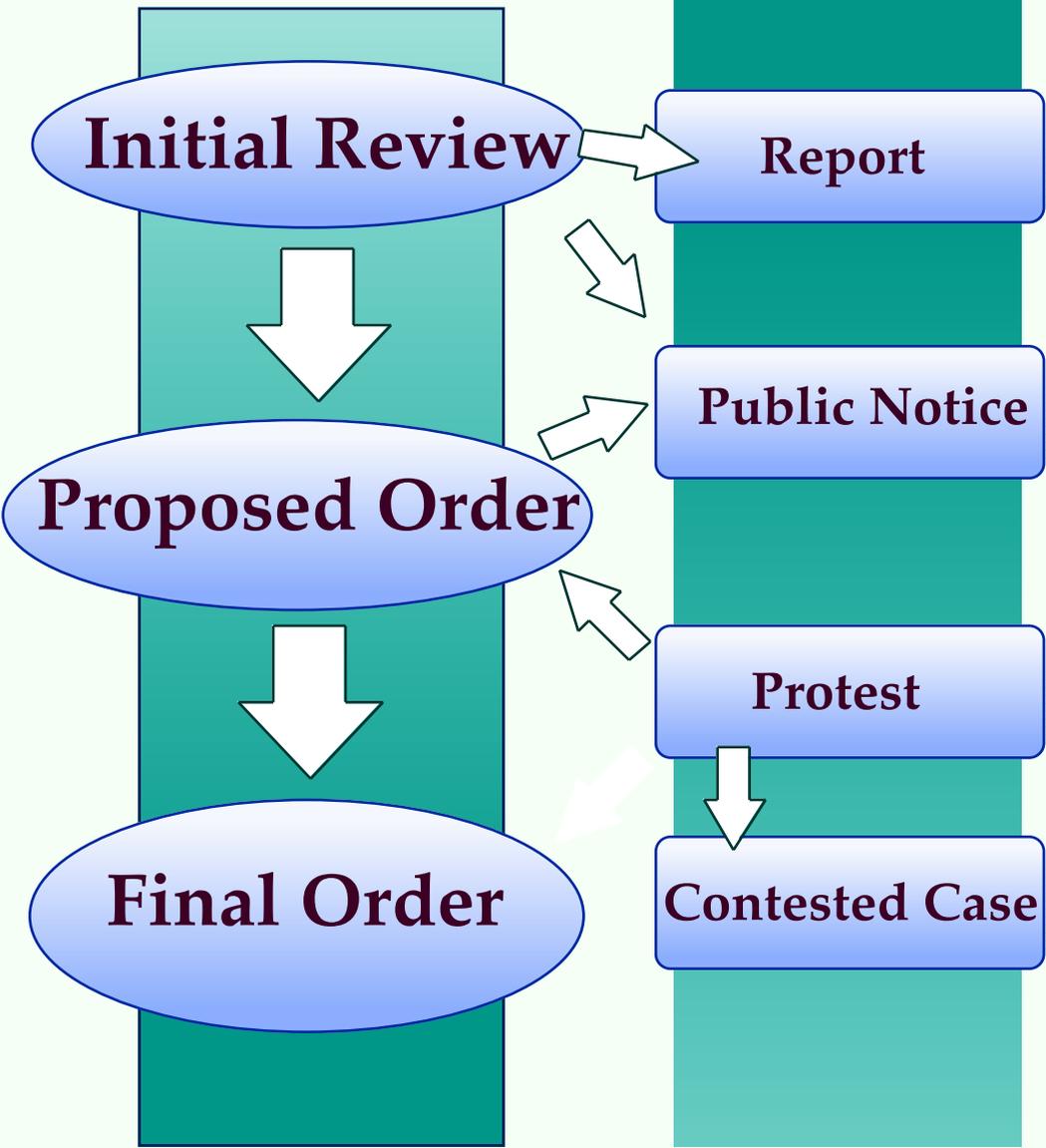
Non-use

• **Transfers**

• **Cancellation**



Water right application process



Regulation

protecting rights and resources



Legal use: low flows
A stops so B has water



Illegal water uses

- *use without a permit*
- *violating terms*

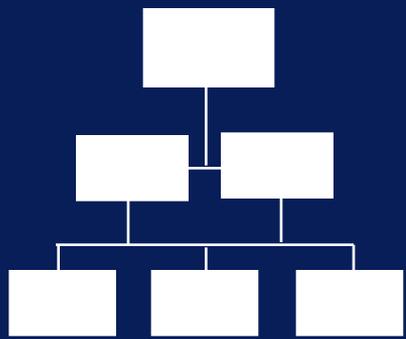
- 1) Attempt voluntary compliance
- 2) Invoke civil penalties
- 3) Go to the DA

Instream Water Rights



- Recreation ← Parks and Rec
- Pollution abatement ← DEQ
- Fish & Wildlife ← ODFW

Instream rights are held in trust by WRD



Statutory responsibilities

**Commission/Department
distinctions**

**Key function,
historically=allocation**

Resource Management

**Challenge: Address long-term
supply in circumstances of
full appropriation**

**Commission
&
Department
*structure &
function***



Water Resources Commission

- Seven members
- Appointed by Governor
- Confirmed by Senate
- Four year term
- Geographic areas
 - *five segmented by river basins*
 - *east and west at large*

Commission

roles/duties



- Policy oversight of agency programs
- Adopt rules
- Adopt basin programs
- Considers appeals of agency decisions

WRD: *Director*



- **Appointed by governor**
- **Confirmed by Senate**
- **Four year term**

WRD: Director *roles/duties*



- **Head of WRD**
 - *manage agency daily activities*
- **Administers and enforces laws**
 - *through WRD staff*
- **Approves water uses**
 - *permits, transfers, limited licenses*
- **Tribal negotiations**
 - *water rights settlements*

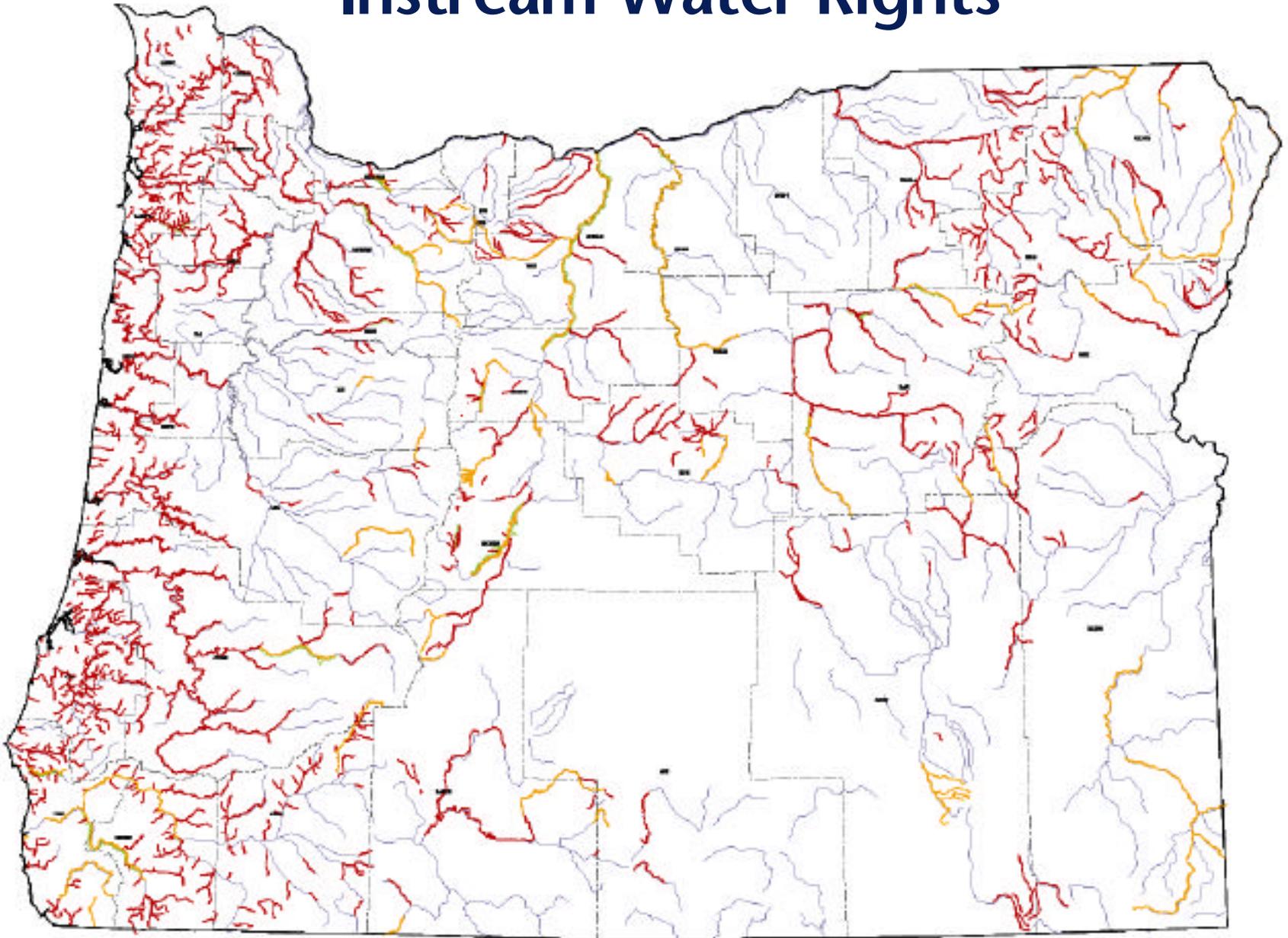


- **Current resources**
- **The political/social picture**

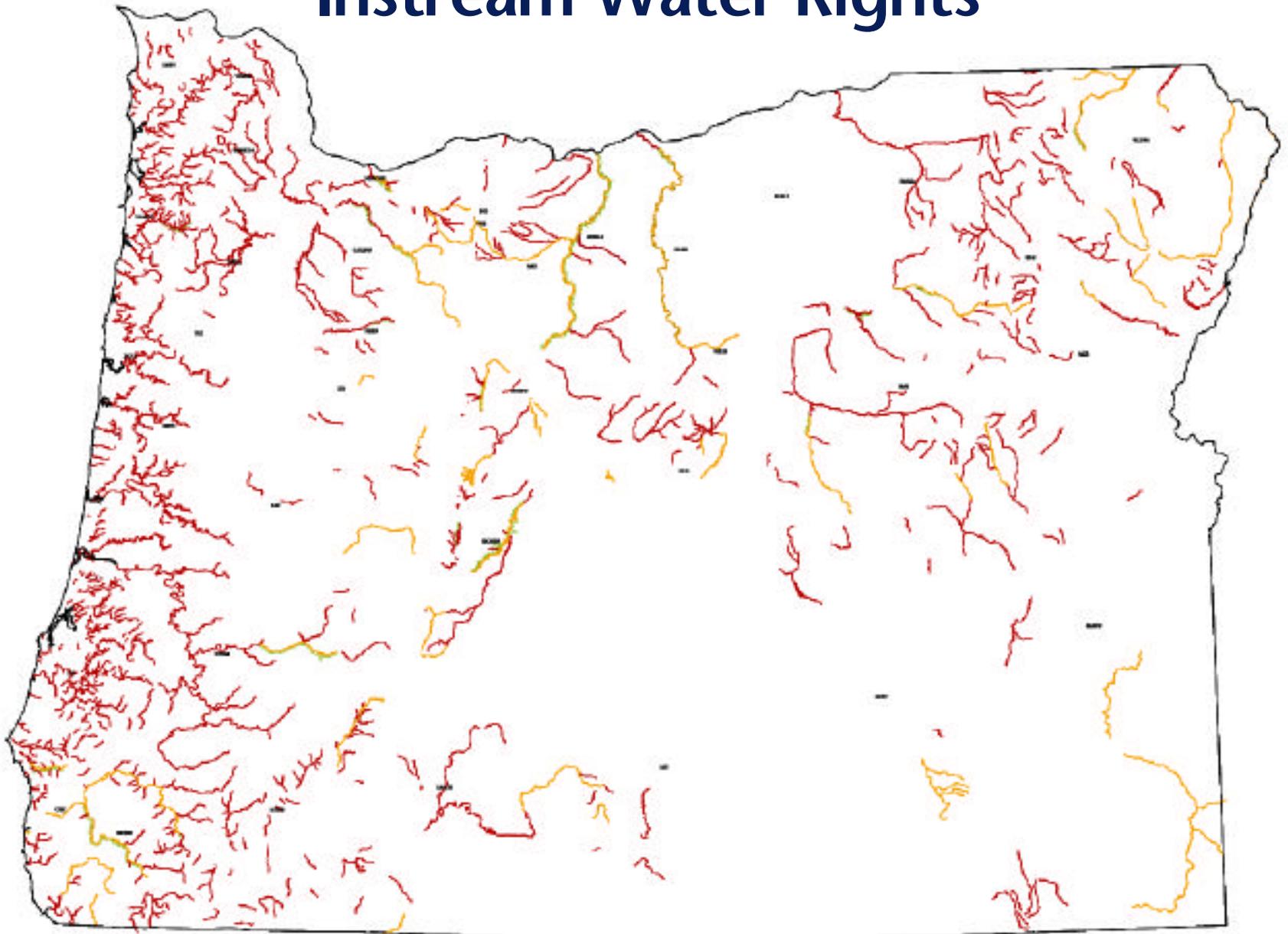
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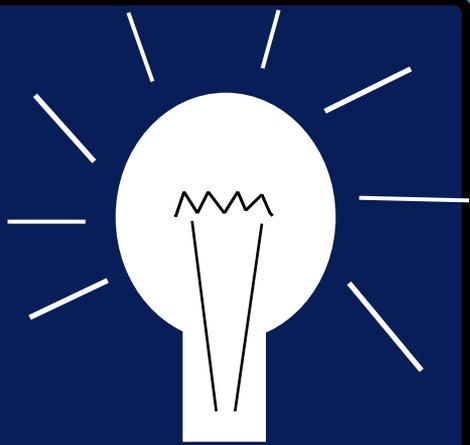
*100 years of
prior
appropriation*

Instream Water Rights



Instream Water Rights





Planning for the future *strategic management plan*

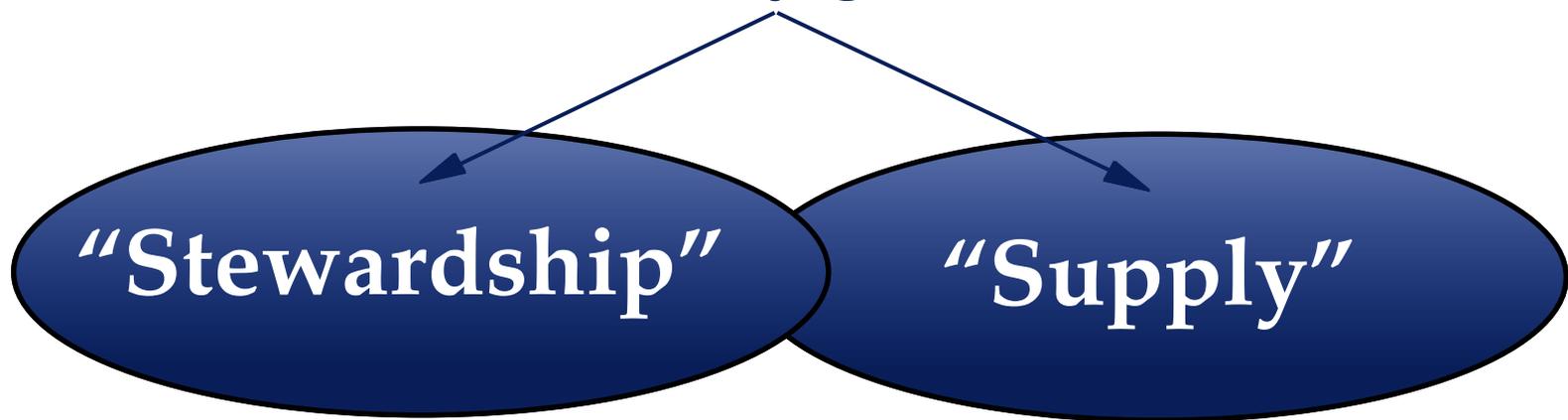
**Mission
&
Strategy**
*planning
water
management*

- **Mission and goals**
- **Core management strategies**
- **Budget and legislative proposals**

Our Mission

“To serve the public by practicing and promoting wise long-term water management.”

Primary goals:



Strategic Management Plan

planning and prioritizing for the future



Idea

Action

Core management strategies:
Areas of focus

Management priority:
Achieving goals using existing tools & resources ...

Legislative proposal:
addressing key issues with new law

Budget proposal:
equipping staff and programs





Key Issues

*the current
water scene*

- **Watershed improvement
& management**
- **Service delivery**
- **Funding for local projects**
- **Fisheries, stream health**



**Evolving
Towards
Watershed
Management**

- **Governor's Watershed Enhancement Board**
- **Watershed Health Program (1993-5)**
- **Merger with GWEB (1995-7)**
- **The Oregon Plan (1997)**